

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT RHODES,

Defendant.

Case No. 21-110-M-DLC-KLD

**PRO SE DEFENDANT'S MOTION
FOR THE CONTINUANCE OF THE
PRETRIAL CONFERENCE &
NEED FOR IN-PERSON
APPEARANCE AT SAME**

INTRODUCTION

Pro Se Defendant hereby moves for the continuance of the first preliminary pretrial conference ordered on January 23, 2023 by Magistrate Judge Kathleen DeSoto to take place on February 27, 2023, for thirty (30) days or, if greater, the amount of time to have the Article III judge review de novo and render a decision on Defendant's forthcoming Objection to Magistrate Judge's Order Denying Transfer of Venue. Flowing from that, the same continuance period to be applied to all deadlines in the order that take place before February 27, 2023.

BACKGROUND

On January 23, 2023, Magistrate Judge issued two orders concomitantly, namely, an Order denying Defendant's Motion to Transfer Venue under 1404(a), and her Order requiring Defendant's participation in a preliminary pretrial conference to take place on February 27, 2023.

The Defendant has not previously moved for any continuance in this case.

CONTINUANCE

Pro se Defendant's prior filings on this matter have indicated to Court multiple times that Defendant is not merely pro se, but also has no legal education or training. Thus, even with all other issues aside, that alone necessitates Defendant's request for a continuance, since Defendant now needs to research and understand all the Court's requirements and expectations of a preliminary pretrial

conference and the earlier interim meetings between parties, and his rights related to those.

Further, the same-day Order of January 23, 2023 denying Defendant's Motion to Transfer Venue is one to which the Defendant is entitled to file an objection for de novo review by the Article III judge, which pro se Defendant has already begun, but needs sufficient time to research, draft, and submit within the 14-day deadline. Thus, not only is this Motion for Continuance required of pro se Defendant by a need to learn how to adequately prepare for the pretrial conference, a burden that does not exist for attorneys, but it is compounded by the need to do that and simultaneously research and write the Objection to Order to which he is legally entitled.

Additionally, it is further in the interest of justice and judicial economy for the Montana District Court to allow the Article III judge time to make his de novo review of Defendant's Motion to Transfer Venue before making further binding decisions on the case or ones with elements that could be rendered moot by transfer.

Defendant has notified Plaintiff of this Motion for Continuance. Plaintiff has responded it will not oppose/object to a 30-day continuance, but has asked Defendant to notify the Court via this filing that Plaintiff is unavailable from March 20 to 24, 2023 and requests the Court not reschedule a pretrial conference for that week.

IN-PERSON APPEARANCE NEEDED

Defendant's circumstances are such that he does not have computer/internet/phone access that is predictably available/reliable/stable to participate in conferences such as the one in the Order by Magistrate Judge Kathleen DeSoto for a pretrial conference via the proprietary third-party company Zoom (or similar format), such that Defendant needs his appearance at pretrial conferences to be in-person.

DATED this 25th day of January, 2023

Respectfully submitted,

SCOTT RHODES

By: /s/Scott Rhodes
Pro Se Defendant

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(d)(2)(E), the attached Motion for Continuance of Pretrial Conference is proportionately spaced, has a typeface of 14 points, and contains 500 words, excluding caption and certificates.

DATED this 25th day of January, 2023

By: /s/Scott Rhodes
Pro Se Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of January, 2023, I electronically filed the forgoing document with the Clerk of Court using the CM/ECF system which will send notification of the filing to the Plaintiff.

/s/ Scott Rhodes
Pro Se Defendant